

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: §
§
LAWRENCE E. CREED § CASE NO. 15-40892
§ (Chapter 7)
§
DEBTOR §

**NOTICE OF WITHDRAWAL OF MOTION TO CONVERT
CASE BY PRIOR AGREEMENT**

TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:

Christopher J. Moser, Trustee (“Trustee”) by and through the proposed undersigned attorney files this NOTICE OF WITHDRAWAL OF MOTION TO CONVERT CASE BY PRIOR AGREEMENT (“Motion”) as follows:

1. On May 14, 2015, Lawrence E. Creed, (“Debtor”) filed with this Court a voluntary petition under Chapter 7 of the Bankruptcy Code.
2. Christopher J. Moser was appointed Chapter 7 Trustee of the Debtors’ bankruptcy estate.
3. On September 14, 2015 this case was converted to Chapter 13.
4. As a condition to conversion and no opposition by the Trustee, an agreed order converting the case back to Chapter 7 if the Chapter 13 failed for any reason was, in fact, the September 14, 2015 order of conversion.
5. The Chapter 13 Plan was denied on December 4, 2015.

6. The Trustee has been informed a second Plan has been filed making his prior motion not ripe for consideration.

WHEREFORE, PREMISES CONSIDERED, Trustee prays that this Court enter the attached order withdrawing the aforesaid motion without prejudice to re-filing of same if the second Chapter 13 Plan fails and the case is dismissed or the case is scheduled for dismissal, and that Trustee be granted such other and further relief to which he may be justly entitled.

Respectfully submitted,

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By: /s/ Kelly B. Williamson
Kelly B. Williamson
State Bar No. 00785260

ATTORNEY FOR TRUSTEE
CHRIS MOSER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served electronically where applicable, the foregoing, and on the attached matrix via regular U.S. mail, postage prepaid, on this December 22, 2015:

Office of the U.S. Trustee
110 N. College Ave., Suite 300
Tyler, Texas 75702

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Mesquite, Texas 75181

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/s/ Kelly B. Williamson
Kelly B. Williamson